

REMARKS

Upon entry of this amendment claims 1, 3-19, and 23-27 are pending in this application. Claims 2, 21 and 22 have been cancelled without prejudice by the Applicant.

Claims 1, 8 and 20 have been amended. New claim 27 has been added. Claim 1 has been amended to include the limitation of claim 1, and dependencies of claims 8 and 20 amended to be dependent on claim 1. Support for new claim 27 is found, for example, in the drawings.

Paragraph [029] of the specification has been amended to deleted the reference to sign 72 not shown in the drawings.

Reconsideration and allowance of all the pending claims is requested in view of the following remarks.

A. Objections to the Drawings under 37 C.F.R. 1.84(p)(5) and 1.83(a)

The drawing have been objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they do not include the reference sign 72 referred to in the specification at paragraph [029].

Applicant has amended the specification to deleted the reference to sign 72 not shown in the drawings.

The drawing are also objected to under 37 C.F.R. 1.83(a) because the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner states that the flap must be shown or the feature(s) cancelled from the claims(s).

Claims 21 and 22 have been cancelled without prejudice to promote prosecution.

Applicant submits that the Examiner's concerns have been fully addressed and respectfully requests that the objections to the Drawings be withdrawn.

B. Rejections under 35 U.S.C. §112

Claims 21 and 22 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement because the Examiner has taken the position that they fail to comply with the written description requirement. In particular, the Examiner states that the claim(s) contains subject matter that was not described in the specification in such a way as

to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant disagrees with the Examiner's position, but for the purpose of this Response claims 21 and 22 have been cancelled without prejudice.

Applicant submits that the Examiner's concerns have been fully addressed and respectfully requests that the objection under 35 U.S.C. §112 be withdrawn.

C. Rejections under 35 U.S.C. 102

The Examiner has rejected claims 1-26 35 U.S.C. §102(b) as being anticipated by Jisander (U.S. Pat. No. 5,769,898).

Applicant has cancelled Claims 21 and 22 without prejudice. Independent claim 1 has been amended to include the limitations of claim 2. The remaining claims are dependent on independent 1.

In order to sustain a §102(b) rejection the reference must teach each and every limitation of a claim. Here, Jisander does not disclose each and every limitation of claim 1 as amended.

The Examiner suggests that Jisander teaches each and every limitation of the claims. Jisander discloses a device formed of two wire loops. The wire loops form a support for a flexible membrane material, such as GORE-TEX, that maintains a space between the membrane and the bone tissue (column 2, lines 33-37). The device of Jisander can also be used to hold a bone transplant against a jaw bone (column 2, lines 38-43).

Applicant's invention as claimed in amended claim 1 comprises a device that partially surrounds the bone and is formed of a wire mesh as shown for example in figures 1, 2 and 3 of the specification. The wire mesh when formed is essentially a solid, generally flat structure with openings formed therein (as shown in the drawings) and provides the advantage of being strong enough to protect the area where bone regeneration is to occur from chewing forces or tissue pressure, while at the same time being flexible enough to be bent to the shape required to fit around the jaw bone to form a cavity to retain material that stimulates bone growth. Further the one or more opening of Applicant's invention provides the advantage of allowing the placement of a material that stimulates bone growth after the device has been placed around a jaw bone.

In contrast to Applicant's claimed invention, the devices of Jisander do not provide as much protection to the bone regeneration site from chewing forces or tissue pressure. For example, when the wire support of Jisander is covered with a flexible membrane the membrane

will still be subject to deformation by chewing forces or tissue pressure that will inhibit bone regeneration. Further, when the wire loop device of Jisander is used to hold in place a bone transplant it provides no protection from chewing forces or tissue pressure that can inhibit regeneration of the jaw bone around the transplant. The wire loop devices of Jisander are thus not able to provide the same degree of protection to the regenerating jaw bone provided by Applicant's invention.

Nowhere in Jisander is a device disclosed to assist in bone generation that is formed of a wire mesh as taught and claimed by Applicant. Further, as discussed above Jisander does not disclose a device with openings through which material may be placed into the cavity formed by the device, where the material is retained next to the bone where the device provides the protection necessary for bone regeneration. Thus, Jisander does not disclose each and every limitation of claim 1 as amended.

In view of the above comments, Applicant submits that the rejections under 35 U.S.C. §102(b) are traversed.

CONCLUSION

In view of the amendments and arguments herein, reconsideration is respectfully requested. Applicants believe this case is in a condition for allowance, and respectfully request withdrawal of the rejections and allowance of the pending claims.

Applicants also reserve the right to prosecute any cancelled claims or additional claims, including claims of broader scope, in a continuation application.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except the Issue Fee, and such extension fee is to be charged to **Deposit Account No. 19-3878**.

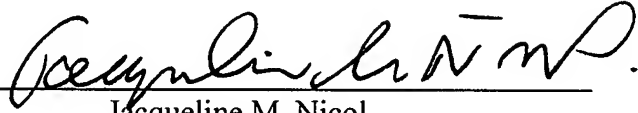
The Examiner is invited to telephone the undersigned at the number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

May 17, 2007

Date

By



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